

PATENT
450127-02126**REMARKS**

The Office Action in the above-identified application has been carefully considered and this amendment has been presented to place this application in condition for allowance. Accordingly, reexamination and reconsideration of this application are respectfully requested.

Claims 45, 48-51, 53-55, 58-61, 63-65, 67, 69-71, 73-75, and 78-79 are in the present application. It is submitted that these claims were patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112. The changes to the claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. sections 101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled. Claims 46, 52-56, 62, 68, 72, and 77 are canceled.

Claims 45-46, 48-56, 58-65, 67-75, and 77-79 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hsu (U.S. Patent No. 5,785,598) in view of Sugimura (U.S. Patent 6,743,103).

However, the present claims recite "said first data and said second data are startup image data; and displaying an image of the selected image data on a display according to said booting program in starting up said information processing apparatus." (Claim 45; all independent claims contain similar limitations) A feature of the present invention according to pending claim 45 is an arrangement in which a (single) booting program accesses two data, one of which is stored in a non-removable data storage and the other of which is stored in a removable data storage.

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Although Hsu discloses a single booting program accessing two data stored in removable data storage cartridges (Figure 4, cartridges 200, 300), the cartridge 200 stores a game application program and data while the cartridge 300 stores an additional program and/or data. (Column 3, lines 32-38) In Hsu, a game application is selected by switching a cartridge 200 with another cartridge 200 to be inserted into a game console 10. Therefore, it would not be obvious for a skilled person to store game application programs in the game console 10, instead of storing the game applications in the cartridges 200, 300. Sugimura is completely silent about this feature of the present invention.

Further, claim 45 specifies an arrangement in which the startup image data to be accessed by a booting program is selectable. (see page 2, lines 20-26 of the specification) Such an arrangement is not disclosed nor suggested in the cited references and the Examiner has not addressed this feature in the Office Action. As discussed above, Hsu does not disclose a plurality of startup image data that are selectable, one of which is stored in a non-removable data storage and another of which is stored in a removable data storage.

Moreover, The present application (Serial No. 09/364,638) and Sugimura (U.S. Patent 6,743,103) were, at the time the invention of the present application was made, owned by Sony Computer Entertainment Inc., Tokyo (JP). Accordingly, as set forth in MPEP 706.02(1)(2), Sugimura , by virtue of its common ownership at the time the present invention was made, is disqualified as prior art.

Therefore, for at least these reasons, the combination of Sugimura and Hsu fails to obviate the present invention and the rejected claims should now be allowed.

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In view of the foregoing amendment and remarks, it is respectfully submitted that the application as now presented is in condition for allowance. Early and favorable reconsideration of the application are respectfully requested.

No additional fees are deemed to be required for the filing of this amendment, but if such are, the Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,
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